HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, C.J.

WRIT PETITION NO. 5788 OF 2005

PETITIONER Jai Prakash Memorial Centre, Through : M.P. Pandey, Secretary, Majdoor Bhawan, D.S. Colony, Kirandool, District South Baster, Dantewada (C.G.)

Versus

RESPONDENTS

1. State of Chhattisgarh, Through : Secretary, Department of Food and Supply, D.K.S. Bhawan, Raipur (C.G.)
2. The Collector, South Baster, Dantewada (C.G.)
3. S.D.O. (Revenue) Dantewada, South Bastar, Dantewada (C.G.)

Present : Shri Anil Pandey, learned counsel for the petitioner.
Shri Vinay Harit, learned G.A. for the State.

(ORAL ORDER)
(Passed on 6th February, 2006)

On an earlier occasion, the 3rd respondent herein vide order dated 24-01-1992 suspended the licence issued to the petitioner to run fair price shop in Kirandool village. Being aggrieved by the said order of the 3rd respondent, the petitioner had filed W.P. No.385/1995. That writ petition was disposed of by this Court on 12/07/2005. The Court, in view of the fact that the whole scheme under which authorisations have been granted was changed, while disposing of the writ petition, reserved liberty to the petitioner herein to apply under the new scheme for grant of licence for

running fair price shop. Accordingly, the petitioner made an application to the 3rd respondent for grant of licence to run fair price shop in Kirandool village. That application has been rejected by the 3rd respondent by the impugned order dated 06/10/2005, marked as Annexure-P/1. In the impugned order, it is pointed out that the licence has to be granted under the new scheme on priority basis and since the licence to run fair price shop in Kirandool village is already granted to the Marketing Society which is a Co-operative Society and which has preference over the category six societies and since the petitioner-society falls under sixth category, it could not be granted licence. The reason stated by the 3rd respondent to reject the application of the petitioner for grant of licence is unexceptionable. This writ petition is also liable to be dismissed in *limine* on the ground of non-joinder of necessary parties . The Marketing Society has been granted licence to run fair price shop in Kirandool village and, therefore, that society should have been impleaded as party-respondent to the writ petition. Looking from any angle, I do not find any merit in this writ petition and it does not deserve acceptance. It is accordingly dismissed. No costs.

Sd/-
Chief Justice

Subba